

JEFFREY K. BARTON  
Clerk to the Board



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**OF BOARD OF COUNTY COMMISSIONERS**

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**JEFFREY K. BARTON**

Clerk to the Board



**April 9, 2010**

**SPECIAL CALL MEETING OF THE INDIAN RIVER COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**MODIFYING THE HOURS OF OPERATION**

**APRIL 9, 2010**

The Board of County Commissioners of Indian River County, Florida, met in a Special Session at the County Commission Chambers, 1801 27<sup>th</sup> Street, Vero Beach, Florida, on Friday, April 9, 2010, to discuss and consider the modification of operation hours for the 17<sup>th</sup> Street SW 86<sup>th</sup> Avenue Borrow Pit. Present were Chairman Peter D. O'Bryan, Vice Chairman Bob Solari, Commissioners Wesley S. Davis, Joseph E. Flescher, and Gary C. Wheeler. Also present were Assistant County Administrator Joseph A. Baird, County Attorney Alan S. Polackwich, Sr., and Deputy Clerk Leona Adair Allen.

**1. CALL TO ORDER**

Chairman O'Bryan called the meeting to order at 9:00 a.m.

## **2. INVOCATION**

Commissioner Davis delivered the Invocation.

## **3. PLEDGE OF ALLEGIANCE**

Commissioner Wheeler led the Pledge of Allegiance to the Flag.

## **4. DEPARTMENTAL MATTERS**

### **4.A. COMMUNITY DEVELOPMENT**

#### **4.A.1. CONSIDERATION OF MODIFYING THE HOURS OF OPERATION FOR THE 17<sup>TH</sup> STREET SW / 86<sup>TH</sup> AVENUE BORROW PIT, OWNER: HENRY FISCHER, NORTH CYPRESS RESERVE, INC.**

Public Works Director Chris Mora said the purpose of this meeting is for the Board to consider modifying the hours of operation for the 17<sup>th</sup> Street SW / 86<sup>th</sup> Avenue Borrow Pit. He explained why this mine is a critical sand source for the first phase of the Sector 3 Beach Restoration Project, and how the production of sand for this project is currently shifting from the Ranch Road Lake Mine (their primary source) to the Fischer 86<sup>th</sup> Avenue Mine. He clarified that the request would modify and extend the mine operating hours, particularly the hauling operations, from the currently approved Monday through Friday, 7:00 a.m. to 5:00 p.m. schedule, to seven (7) days a week, from 6:00 a.m. to 8:00 p.m., on a temporary basis. The mine currently has 16,000 cubic yards of sand stockpiled and ready to be hauled, and would be used for the dune portion of the project. He said if they haul this sand at their current rate, they could clear it out in two or three days. Another reason for extending their hours is because this mine is

approximately 10 miles further from the beach than the Ranch Road Lake Mine, extending the round trip travel time for each truck by approximately 45 minutes.

Discussion ensued pertaining to the extension running through the end of Phase I (April 30<sup>th</sup>), for both increased hours of operation and hauling.

Chairman O'Bryan wanted the record to reflect that he had received a call from Sharon Cowan, 2125 82<sup>nd</sup> Avenue SW, who lives adjacent to the mine. She had concerns over this being a permanent exemption until she realized this would only be temporary. She wanted to ensure the mine was in compliance with Permit No. 6, concerning the height of the stockpiles, and Permit No. 7, regarding the buffer. Mrs. Cowan was pleased that Ranger Construction was being a good neighbor by maintaining the road.

Commissioner Wheeler was concerned about the operations relating to the Ordinance.

Community Planning Director Stan Boling confirmed that the Board does have the authority to extend the hours of operation if they determine that the impact of the mining operation on surrounding properties will not constitute a nuisance to the neighborhood contrary to the County Noise and Vibration Control Regulations, in accordance with Regulations on the Operating Conditions on Mining, Section 934, and he did not feel the extension request would have any impact on the compliance regulations.

Director Mora confirmed that this request would allow Ranger Construction to stay on schedule, and not represent a monetary adjustment.

ON MOTION by Commissioner Wheeler, SECONDED by Commissioner Flescher, the Board unanimously approved: (1) to extend the hours of operation to seven (7) days per week, from 6:00 a.m. to 8:00 p.m.; and (2) to extend the time period up to and inclusive of April 30, 2010, for hauling and mining operations, for the 17<sup>th</sup> Street SW / 86<sup>th</sup> Avenue Borrow Pit.

The Chairman CALLED THE QUESTION and the Motion carried unanimously.

**5. ADJOURNMENT**

There being no further business, the Chairman declared the meeting adjourned at 9:12 a.m.

ATTEST:

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Jeffrey K. Barton, Clerk

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Peter D. O'Bryan, Chairman

Minutes Approved: \_\_\_\_\_

BCC/LAA/2010 Special Call Meeting